IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 18710 of 2007(B)

PETITIONER:

P.V.JOJO, S/O P.O.VAREED, AGED 37 YEARS,
RESIDING AT PUTHUKANDAN HOUSE,
KASTURBA LANE, KOOKENCHERRY, THRISSUR.

BY ADV. SRI.P.DEEPAK

RESPONDENTS:

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1. THE REGIONAL TRANSPORT AUTHORITY,
VATAKARA.

2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, VATAKARA.

3. THE KSRTC, REPRESENTED BY ITS
MANAGING DIRECTOR, TRANSPORT BHAVAN,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.
GOVERNMENT PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P. (C). No. 18710 OF 2007 B

Dated this the 27th day of July, 2007

J U D G M E N T

The petitioner challenges Ext.P6 order which reads thus:-

> " Perused the judgment in WPC No.2414/06K of the Hon. High Court of Kerala. Applicant absent. Heard the representative of KSRTC. Rejected as
> (1) the length of the route is more than 160 ms which is against KMV Rule 2 (ea).
> (2) KSRTC strongly objected as the major operation of the service is on the notified route Ernakulam-Payayannur.
> (3) As per the decision reported in Nataraja Mudaliar Vs. STA, Madras (AIR 1979 SC 114) an application for renewal of permit must be governed by the same consideration as for grant of permit."

The petitioner's contention is that the petitioner was never made aware of the meeting on 25.4.2007 either by individual notice or by publication of the general notice inviting objections. He would further submit that this was included as a supplementary agenda for the meeting and the same was not also published as required. The respondents have filed a counter affidavit in which there is no denial of this specific contention of the petitioner. That being so, I am satisfied that Ext.P6 has been passed in violation of

the principles of natural justice and, therefore, requires to be quashed. Accordingly, I quash Ext.P6 and direct the 1st respondent to consider the application of the petitioner for renewal of permit afresh, after issuing a notice to the petitioner within two months from the date of receipt of a copy of this judgment. Since I have quashed Ext.P6, the petitioner's application for temporary permit shall be considered in accordance with law.

The writ petition is disposed of as above.

(S. SIRI JAGAN, JUDGE)

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